

Application No.: 10/824275
Amendment dated: September 14, 2005
Reply to Office action of June 14, 2005

REMARKS/ARGUMENTS

The specification has been amended to eliminate the extraneous word "are" in paragraph 0008.

Claim 9 should have been dependent on claim 8, and has been amended accordingly.

The limitations of claim 2 have been incorporated into claim 1, and similar limitations have been incorporated into claims 10 and 11.

The invention as defined in claims 1 and 3-11 essentially resides in the use of a hot-melt seaming tape for joining sections of artificial turf, a technique long used in laying carpet, but not heretofore used in laying artificial turf. The laboriousness of the wet glue process, described in paragraph 0005 of the Applicant's specification, gives eloquent testimony to the non-obviousness of adapting the well-known hot-melt seaming tape technique to the field of artificial turf.

Furthermore, the invention is not merely the adaptation of any hot-melt seaming tape to a different field of use. The applicant observed that most hot melt tapes won't work with artificial turf, but that tapes comprising hot-melt polyamide adhesive will adhere to the rubber or polyurethane bottom surface of an artificial turf with sufficient adhesive force to withstand the conditions encountered on a playing field. As the Examiner has pointed out, Foster '475 discloses that carpet can be held in edge to edge relationship by a seam made from polyamide hot-melt. Foster '475 discloses polyamide adhesive indirectly, by reference to Burgess '876 at column 3, line 1, as one of "many types of hot melt adhesives" that are suitable for carpeting (Foster, column 2, lines 67-69). Moreover, Burgess '876, mentions polyamide HMA in passing

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among numerous kinds hot melt adhesives listed in Burgess' column 3, lines 14-53. A person skilled in the art, even if he were to decide to try to use a hot melt carpet seaming tape with artificial turf, would have a large number of materials to choose from before finding one that is suitable.

Claim 1, as amended, now specifically recites that the artificial turf layers have "bottom sides composed of polyurethane or latex," and that the means securing the artificial turf layers to each other "is a tape comprising a layer of polyamide hot-melt adhesive." Thus claim 1, now not only more clearly distinguishes the artificial turf from carpet, but also specifically recites the optimum adhesive, i.e., the one that adheres to the bottom side of an artificial turf layer. Claims 10 and 11 are similarly limited.

The rejections of claim 2, 10 and 11 rely on Foster and Layman, the former relating to carpet, and the latter relating to artificial turf. According to the rejection, it would have been obvious "to combine the carpet of Foster with the turf of Layman to make an outdoor synthetic turf of greater dimensional stability and shock absorption." There are at least two reasons why these two references should not be combined to establish obviousness of the invention as defined in claims 2, 10 and 11. First, as pointed out by the Examiner, Layman already has a backing providing dimensional stability and shock absorption. Foster would add nothing in this regard, and therefore a desire for dimensional stability and/or shock absorption does not supply a motivation to combine the two references. Second, Layman utilizes a hook and loop fastening scheme. To incorporate Foster's seaming scheme into Layman's turf system would entail scrapping the hook and loop fasteners, and adopting a scheme so completely

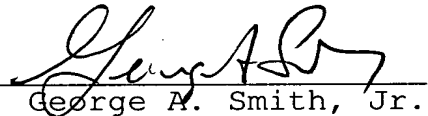
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different as to amount to a reconstruction of the prior art not warranted by any of the teachings in either reference.

For these reasons, we respectfully submit that independent claims 1, 10 and 11, as amended, define subject matter that is neither anticipated, nor shown to have been obvious, and request favorable reconsideration and allowance of claims 1, 10 and 11, and the claims dependent on claim 1.

Respectfully submitted,
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